

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

ALONZO HOUSTON,

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Petitioner,

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v.

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Case No.: 2:14-cv-02344-SLB-SGC

STATE OF ALABAMA and the

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ATTORNEY GENERAL of the STATE

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OF ALABAMA,

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Respondents.

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MEMORANDUM OPINION

This is an action on a petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 by Alonzo Houston, proceeding *pro se*. (Doc. 1). The magistrate judge entered a report and recommendation on December 7, 2015, recommending the petition be dismissed pursuant to 28 U.S.C. § 2244(b)(3)(A) because it is a successive petition and Houston has failed to obtain an authorizing order from the Eleventh Circuit Court of Appeals. (Doc. 8). In the alternative, the magistrate judge recommended the petition be denied as barred by the statute of limitations provided by § 2244(d)(1). (*Id.*). The magistrate judge further recommended Houston's request for an evidentiary hearing be denied. (*Id.*). Finally, in accordance with Rule 11 of the *Rules Governing Section 2254 Cases*, the magistrate judge recommended a certificate of appealability be denied. (*Id.*).

Houston filed objections to the report and recommendation on December 28, 2015. (Doc. 9). The objections, which are lacking in clarity and coherence, largely re-state allegations Houston has already presented and that the magistrate judge considered and rejected. Houston's re-statement of the allegations does not alter the magistrate judge's recommendations. To the extent the objections raise new allegations or arguments, the new allegations or arguments do not save Houston's § 2254 petition from dismissal as an unauthorized successive petition or denial as time-barred. Nor do they demonstrate Houston is entitled to an evidentiary hearing. Accordingly, Houston's objections are **OVERRULED**.

After careful consideration of the record in this case and the magistrate judge's report, the court **ADOPTS** that report and **ACCEPTS** the magistrate judge's recommendations. Accordingly, Houston's § 2254 petition is due to be dismissed pursuant to § 2244(b)(3)(A) as an unauthorized successive petition. In the alternative, the petition is due to be denied as time-barred pursuant to § 2244(d)(1). Houston's request for an evidentiary hearing is **DENIED**. Finally, for the reasons set forth in the report and recommendation and pursuant to Rule 11 of the *Rules Governing Section 2254 Proceedings*, a certificate of appealability is **DENIED**.

A final judgment will be entered.

DONE this 11th day of March, 2016.

A handwritten signature in black ink that reads "Sharon Lovelace Blackburn". The signature is written in a cursive, flowing style.

SHARON LOVELACE BLACKBURN
SENIOR UNITED STATES DISTRICT JUDGE